

BOARD OF MADISON COUNTY COMMISSIONERS
February 6, 2007 MINUTES

On Tuesday, February 6, 2007, a meeting of the Board of Madison County Commissioners came to order at 10:00 AM with Commissioners David Schulz, Lewis Stahl and Jim Hart present.

Jim Hart moved to approve minutes from the January 22, 2007, MACo JPIA meeting with corrections. David Schulz seconded the motion. Commissioners Hart and Schulz voted aye. Commissioner Stahl abstained from voting as he was absent for that meeting. The motion carried on a majority vote.

Jim Hart moved to approve the January 23, 2007, minutes with corrections. David Schulz seconded the motion. Commissioners Hart and Schulz voted aye. Commissioner Stahl abstained from voting as he was absent for that meeting. The motion carried on a majority vote.

Those people in attendance at the meeting were Calvin Smith, Jason Davis, Rick Schlenker, Sheri Jarvis, Scott Petersen, Roger Williams, Dave Schenk, Peggy Kaatz, Molly Peterson, Jill Steele, Doris Fischer, Staci Beecher, Karen Brown, Johanna Lester, Patty Davis, Chris Christensen, Ralph Hamler, Margie Edsall, Janie Alt, Barbie Durham, Chris Mumme, Diane Degner, MaryAnn O'Malley, Lizz Babcock, Linda Robertson, Vicki Tilstra, Julie Ward, Scott Payne, Eileen Pearce, Macel Anderson, Karen Talley, Paul McMullin, Karen McMullin, and those on the attached list.

Building Project: Rick Schlenker and Jason Davis, SMA Architects, met with the Board to discuss future plans for the Law & Justice Center and Courthouse Addition building project. Calvin Smith, Sheri Jarvis, Scott Petersen, and Roger Williams were also present for this portion of the meeting. David Schulz stated that this is not a Commission project, the project belongs to Madison County. The immediate goal is to get the project out to the people, get input from the public, and give the public a voice in how the project develops. David Schulz stated that the Commission has a strong obligation to address the local issues including water, sewer, and electrical. Jim Hart stated that he had attended a seminar on Jails as a Part of County Government which provided great information on how to build community support of new jails. Rick Schlenker stated that any new campaign for this project has to answer the questions that were asked during the last campaign. Sheri Jarvis, Virginia City resident, stated that she had to work very hard to understand the process before recognizing the need for the new building. Her suggestion was to educate the public by providing an informational flyer, putting information on the County web site, and holding public meetings. Roger Williams, Virginia City resident, stated that he was philosophically opposed to the project and did not believe it should be in Virginia City. Options discussed included reducing the number of beds in the jail portion of the project and changing the look of the back side of the building. A meeting in Bozeman in the near future regarding a regional detention facility was also discussed.

Staff Meeting: Those present for the staff meeting were Sheri Jarvis, Peggy Kaatz, Rick Schlenker, Molly Peterson, Jill Steele, Staci Beecher, Karen Brown, Johanna Lester, Patty Davis, Chris Christensen, Ralph Hamler, Jason Davis, Roger Williams, Margie Edsall, Janie Alt, Barbie Durham, Chris Mumme, Doris Fischer, Diane Degner, MaryAnn O'Malley, Lizz Babcock, Linda Robertson, and Vicki Tilstra.

- **Safety Committee:** Commissioner Schulz stated that both he and Commissioner Hart had attended a Montana Association of Counties, Joint Powers Insurance seminar and that one of the things that was strongly encouraged at the seminar was to make sure the County has an active and efficient Safety Committee. He stated there were a number of things brought up to create safer working conditions.
- **Maintenance Issues:** Commissioner Schulz stated that Colleen Guinnane, Custodian, is back to work after being absent for several weeks due to medical reasons and there may be a few things that need to be attended to. He asked that if anyone knows of something that needs to be attended to, please get it to Laurie in the Commissioners' Office and we will make sure it gets taken care of.
- **Commission District 2:** Commissioner Schulz stated that Lewis Stahl, District 2 Commissioner, is back to work and present at the meeting.
- **Building Project:** Commissioner Schulz stated that he had indication that some people had mistakenly interpreted his request for support at the last meeting as intimidation. He stated that this was not his intention and that he was truly sorry if anyone felt intimidated by his statements. He then introduced Rick Schlenker of SMA Architects. Rick outlined the plan for moving forward with the building project. He asked that all offices reassess their space needs for the future to see if projections are still accurate. Peggy Kaatz, Clerk and Recorder, asked if the plan is to run the bond issue on the May or June ballot. Commissioner Schulz stated that the time frame may not allow it and that the bond issue will probably be run as a mail ballot. Jill Steele, Public Health Administrator, asked if an operating budget had been developed for the project. Commissioner Schulz stated that they are working on one. Also discussed was the possibility of a regional jail. The question was asked if a regional jail would replace the need for a county jail. It was

answered that a regional jail would not address the other space needs and ADA issues involved with the entire project and there would still be the issue of transporting prisoners to another facility. Ralph Hamler, Sanitarian, asked about running the project as two different bonds, the Courthouse addition being one bond and the Law & Justice Center being a separate bond. Rick Schlenker explained that the two projects are intertwined and the solution in the Courthouse is predicated on moving some of the offices out of the building to leave adequate space for expansion in the remaining offices.

Sheridan Park District: Julie Ward, Chris Mumme, Scott Payne, Karen Talley, Eileen Pearce, and Macel Anderson, all representing the Town of Sheridan, presented the Board with a petition to create a park district in the Sheridan area. Peggy Kaatz, Clerk and Recorder, was also present for this portion of the meeting. Peggy stated that she had checked the signatures on the petition and that there were a total of 165 signatures, five were duplications, eight were not registered to vote, and one was not registered to vote in that district, leaving 151 acceptable signatures. The total number of signatures needed is 128. Therefore, the petition is acceptable. David Schulz reviewed the boundary of the Sheridan High School District with those present. Jim Hart moved to call for a Public Hearing in Sheridan, on February 20, 2007, at 10:00 a.m., to hear public comment regarding a park district in Sheridan. Lewis Stahl seconded the motion. All voted aye and the motion carried.

Emergency Management Role: Chris Mumme, Director of Emergency Management, met with the Board to discuss the role of the Director of Emergency Management. Dave Schenk, Sheriff, was also present for this portion of the meeting. Chris updated the Board on the status of consolidation of unassigned fire areas to current fire districts and updated the Board on his plans in other areas of the department. Chris stated that he would like to make Madison County a showcase for Emergency Management.

Public Discussion: Dave Schenk, Sheriff, met with the Board to discuss road issues. The Sheriff will contact the County Attorney to determine how to proceed with these issues.

Detention Center Reimbursement Agreement: Dave Schenk, Sheriff, met with the Board to discuss an agreement with the State that has been in the works for several months. The agreement would set confinement rates for state prisoners that are held in Madison County or sent by Madison County to other holding facilities. The agreement would provide for not more than \$65.00 per day for confinement and would include a \$15.00 booking fee, which was not in the previous agreement. Jim Hart moved to approve the draft Detention Center Reimbursement Agreement between the Department of Corrections, the Department of Justice, and Madison County, as submitted, subject to approval by the Department of Corrections and the Department of Justice. Lewis Stahl seconded the motion. All voted aye and the motion carried.

Claims: The Board continued claims to Friday, February 9, 2007.

Airports: Jim Hart moved to approve the Twin Bridges Updated Airport Layout Plan as referenced in an email, dated February 6, 2007, sent by Rick Donaldson of Robert Peccia & Associates. Lewis Stahl seconded the motion. All voted aye and the motion carried. David Schulz will sign the appropriate documentation when completed by Rick Donaldson.

Board Appointments: The Board received two letters of interest to serve on the Sheridan Rural Fire District Board. Jim Hart moved to appoint Alan Ostler to the Sheridan Fire District Board. Lewis Stahl seconded the motion. All voted aye and the motion carried. After receiving another inquiry about the vacancy on the Sheridan Fire District Board and discussing the matter with Kelly Elser, Sheridan Fire Chief, the Board rescinded the appointment of Alan Ostler and sent letters to all interested persons asking them to file for election to this position in accordance with Montana Code Annotated.

Schoolhouse Repairs: The Board discussed bids for the proposed repairs to the old schoolhouse in Virginia City. Upon recommendation of the Virginia City Commission, Lewis Stahl moved to accept the proposal from McCormack Flooring Inc. of Sheridan, in the amount of \$1053.40, for installation of approximately 53 yards of carpet in the city office at the old schoolhouse. Jim Hart seconded the motion. All voted aye and the motion carried.

Hollow Contracting Surety Letter: The Board discussed a Contract Status Inquiry form from Western Surety Company regarding road work to be completed by Hollow Contracting. Jim Hart, Road District 3 Supervisor, will address this issue.

Sheridan Youth Center Support Letter: Lewis Stahl moved to approve sending a letter of support to Kendra Horn to pursue funding for a youth center in Sheridan. Jim Hart seconded the motion. All voted aye and the motion carried.

Commissioner Liaison to County Boards: This agenda item was tabled.

Wetlands Mapping Project: Doris Fischer, Planner, and Staci Beecher, Planner 1, met with the Board to discuss a Wetlands mapping project proposal that would be submitted to the Montana State GIS Coordinator and the Montana Department of Administration Information Technology Services Division. Doris stated that the Department of Environmental Quality and the Montana Natural Heritage Commission are teaming up to map wetlands to Federal Standards and that data compiled from this project would provide essential information, which currently does not exist, to the Planning Department. Doris requested that her department be authorized to contribute \$1000 towards the project. Per recommendation of the Planning Board, Lewis Stahl moved to authorize a letter of support for the MLIA Wetland Data Development Grant Proposal and to approve pledging \$1000 to the project with \$500 coming from the Planning budget in Fiscal Year 2006-2007 and an additional \$500 coming from the Planning budget in Fiscal Year 2007-2008. Jim Hart seconded the motion. All voted aye and the motion carried.

Sky View Subdivision Final Plat: Doris Fischer, Planner, Staci Beecher, Planner 1, Paul McMullin and Karen McMullin, Subdividers, met with the Board to discuss the final plat of Sky View Subdivision. This subdivision consists of 182 acres and will create 84 single-family residential lots, ranging in size from 1 to 3 acres. Also included are 29 acres of parks/trails and 16 acres of roadway. There is a Subdivision Improvements Agreement and a Letter of Credit with First Madison Valley Bank for completion of road work, installation of two dry hydrants, and signage. Per recommendation of the Planner, Lewis Stahl moved to approve the final plat of Sky View Subdivision in Sections 28, 32 and 33, Township 5 South, Range 1 West, with the Subdivision Improvements Agreement and Letter of Credit, and that on or before September 1, 2007, discussion regarding adding several of these lots to the maintenance portion of the Pintail Ridge RID (RID 2006-02M) will take place. Jim Hart seconded the motion. All voted aye and the motion carried.

Commissioner Lewis Stahl was absent for the remainder of the meeting.

American Spirit Subdivision Preliminary Plat: Doris Fischer, Planner, presented the Board with the preliminary plat of American Spirit Subdivision. Those on the attached list were present for this portion of the meeting. This 176 acre subdivision proposed by the Yellowstone Club, would create forty ski in/ski out, single-family residential lots ranging in size from 3/4 of an acre to 16 acres and would add 98 acres of open space to the overall Yellowstone Club development. The lots would be connected to the Yellowstone Club water and sewer system. Discussion ensued regarding a year around secondary access to the subdivision. Doris stated that the Planning Board had unanimously recommended approval of this subdivision. Jim Hart moved to accept the recommendation of the Planning Board to approve the preliminary plat of American Spirit Subdivision, Yellowstone Mountain Club, in Sections 11 and 12, Township 7 South, Range 2 East, with the recommended conditions. David Schulz seconded the motion. All voted aye and the motion carried.

Indian Ridge Subdivision Preliminary Plat and Variance Request: Staci Beecher, Planner 1, presented the Board with the preliminary plat of Indian Ridge Subdivision. Those on the attached list were present for this portion of the meeting. The proposed subdivision is 31.6 acres approximately 1/2 mile west of Ennis and would create 12 single-family residential lots ranging in size from 1 acre to 2.6 acres, with 10.6 acres designated as open space. The subdivision application includes a variance request to allow for TeePee Lane to be approved without emergency egress. Staci stated that the Planning Board recommended approval of the subdivision with fourteen conditions and approval of the variance with one condition. Tom Henesh, Big Sky Land Consulting, spoke in favor of the subdivision and requested approval of both the subdivision and the variance. Jerry Shaw and Henry Harrison both spoke of concerns about the lack of an emergency exit and concerns that an emergency exit may be imposed through Antelope Meadows without landowner consent, and that such an exit would be abused. Also discussed was the possibility of adding some of the lots to the Centennial Drive Maintenance RID. Jim Hart moved to accept the Planning Board's recommendation to approve the preliminary plat of Indian Ridge Subdivision in Section 32, Township 5 South, Range 1 West, with the recommended conditions, and adding a recommendation to continue communications with surrounding subdivisions regarding emergency access, including discussion with the West Madison Canal Company for easement purposes and also adding a recommendation to continue discussion regarding adding lots to the Centennial Drive Maintenance RID, and to approve the variance request with the one recommended condition. David Schulz seconded the motion. All voted aye and the motion carried.

Bear Creek Estates Subdivision Preliminary Plat: Doris Fischer, Planner, presented the Board with the preliminary plat of Bear Creek Estates Subdivision. Those on the attached list that remained for this portion of the meeting were Rick Landers, Andy Willet, Jay Willet, Melinda Merrill, Karen Swedman, Rocky Hermanson, Troy White, and Chris Christensen. This proposed subdivision consists of three tracts totaling 243 acres and would create eight single-family residential lots approximately 20 to 25 acres each. It would also include three common areas totaling 75 acres. Doris stated that this is a revision of a twelve lot subdivision proposed in May that was withdrawn because of opposition and that, although the subdividers have made several revisions to the original proposal, the Planning Board and Staff don't feel enough has been done and recommended denial of the preliminary plat based on four criteria: significant impact on wildlife, negative impacts on natural environment, negative impacts on historic and cultural resources, and non-compliance with the County Comprehensive Plan/Growth Policy. Doris stated that the staff could support a four lot subdivision if homesites are close to the County road and that the Planning Office would work with Bear Creek area landowners to determine the best place for future development. Andy Willet, Attorney for SBC Development, spoke in favor of the project as proposed and stated that what the subdividers have done is commendable in light of what they are required to do. Rick Landers, Attorney for landowners, Ramsey and Lenert, spoke against the proposal. Melinda Merrill and Jay Willet both spoke in favor of the project. After all information had been presented, Jim Hart stated that he would like an opportunity to further review the information and proposed to wait on making a decision on this subdivision. David Schulz concurred stating that some of the information had come to the Board very recently. David Schulz also stated that, although there may be a difference of opinion right now, Madison County has an excellent Planning Department and an excellent Planning Board and commended them for the work they do.

At 6:00 PM, the remainder of the meeting was continued to Wednesday, February 7, 2007.

Wednesday, February 7, 2007:

Grants:

- **Rivers Edge Campground:** Barbie Durham, Grant Writer, met with the Board to discuss a grant application by Madison County to Montana State Parks, a division of Montana Fish, Wildlife, and Parks, on behalf of Rivers Edge Campground in Twin Bridges, to develop a campground that includes a tent setup area, picnic area, RV camping area, restrooms, water sources, landscaping, and lights. Jim Hart moved to accept Resolution 5-2007, a resolution authorizing an application for land and water conservation fund assistance. David Schulz seconded the motion. All voted aye and the motion carried.
- **Lions Club CTEP:** This agenda item was tabled.

Friday, February 9, 2007:

Claims: The Board approved claims.

David Schulz, Chairman
Board of Madison County Commissioners

Date Approved: February 20, 2007

Minutes prepared by:

Laurie Buyan, Administrative Assistant

Peggy Kaatz, Clerk and Recorder, Madison County